



15 NOV 2005

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In re Application of :
CSAKAI et al. :
Application No.: 10/501,029 :
PCT No.: PCT/HU03/00003 : **DECISION ON PETITION**
Int. Filing Date: 10 January 2003 : **UNDER 37 CFR 1.47(a)**
Priority Date: 11 January 2002 :
Attorney Docket No.: SBGK-102 :
For: CARBOXAMIDINE DERIVATIVES AND :
THEIR USE IN THE TREATMENT OF :
VASCULAR DISEASES :

This decision is in response to applicants' "Petition under 37 CFR 1.47(a)" filed 25 July 2005 to accept the application without the signature of joint-inventor, Lázló Dénes. The required petition fee of \$200.00 has been submitted.

BACKGROUND

On 10 January 2003, applicants filed international application PCT/HU03/00003 which claimed a priority date of 11 January 2002. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 11 July 2004.

On 09 July 2004, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; a preliminary amendment; and an unexecuted declaration.

On 24 January 2005, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 24 July 2005, applicants filed the present petition under 37 CFR 1.47(a) and a petition for a four-month extension of time.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor. Items (1), (3) and (4) have been satisfied.

A review of the present petition and the accompanying papers reveal that applicants have satisfied item (2), in that the applicants have shown that a bona fide attempt was made to present the application papers, including the specification, claims, and drawings to Lázló Dénes. The steps taken by Barbara A. Ruskin are sufficient to show that Lázló Dénes has refused to execute the application.

Accordingly, it is appropriate to accord the national stage application status under 37 CFR 1.47(a).

CONCLUSION

For the reasons above, applicants' petition under 37 CFR 1.47(a) is GRANTED.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.



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In re Application of
CSAKAI et al.
Application No.: 10/501,029
PCT No.: PCT/HU03/00003
Int. Filing Date: 10 January 2003
Priority Date: 11 January 2002
Attorney Docket No.: SBGK-102
For: CARBOXAMIDINE DERIVATIVES AND THEIR USE IN THE TREATMENT OF
VASCULAR DISEASES

Dear Lázló Dénes:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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OFFICIAL GAZETTE NOTICE

37 CFR 1.47 Notice by Publication

Notice is hereby given of the filing of a national stage application with a petition under 37 CFR 1.47 requesting acceptance of the application without the signature of all inventors. The petition has been granted. A notice has been sent to the last known address of the non-signing inventor. The inventor whose signature is missing (László Dénes) may join in the application by promptly filing an appropriate oath or declaration complying with 37 CFR 1.63. The international application number is PCT/HU03/00003 and was filed on 10 January 2003 in the names of Zita Jegesné Csákai; Ede Márványos; Magdolna Bathóné Török; and László Dénes for the invention entitled CARBOXAMIDINE DERIVATIVES AND THEIR USE IN THE TREATMENT OF VASCULAR DISEASES. The national stage application number is 10/501,029 and has a 35 U.S.C. 371 date of 25 July 2005.